

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
S/S Georgia Avenue, 1200 ft. * ZONING COMMISSIONER
West of Washington Avenue *
2923 Georgia Avenue * OF BALTIMORE COUNTY
13th Election District *
1st Councilmanic District * Case No. 91-329-A
Harry E. Warthen *
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests, pursuant to the Petition for a Zoning Variance, a variance from Section 1802.3.C.1 of Baltimore County Zoning Regulations (B.C.Z.R.) to allow a 4 ft. side yard setback and a buildable lot width of 50 ft. (for lot nos. 56 & 57) in lieu of the required minimum 10 ft. and 55 ft. respectively, as more particularly described on Petitioner's Exhibit No. 1.

The Petitioner, by Harry E. Warthen, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 2923 Georgia Avenue, consists of .1434 acres +/-, zoned D.R.5.5 and is currently improved with an existing single family dwelling.

Mr. Warthen testified that he purchased the subject home without knowledge of the setback problems and desires to bring the property into conformance with the zoning regulations, pursuant to the requested variance relief.

Testimony indicated that the majority of lots in this community are 50 ft. width and occupied by single family dwellings.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the

relief requested sufficiently complies with the requirements of Section 107 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of May, 1991 that, pursuant to Petition for Zoning Variance, a variance from Section 1802.3.C.1 of B.C.Z.R. to allow a 4 ft. side yard setback and a buildable lot width of 50 ft. (for lot nos. 56 & 57) in lieu of the required minimum 10 ft. and 55 ft. respectively, in accordance with Petitioner's Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH/mmm

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

May 13, 1991

Mr. Harry E. Warthen
2923 Georgia Avenue
Catonsville, Maryland 21228
RE: Petition for Zoning Variance
Case No. 91-329-A

Dear Mr. Warthen:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:mmm
encl.
cc: Peoples Counsel
cc: Mr. Curtis Whetzel

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-329-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1 to allow a 4 ft. side yard setback and a buildable lot width of 50 ft. (for lot nos. 56 and 57) in lieu of the required minimum 10 ft. and 55 ft. respectively, as more particularly described on Petitioner's Exhibit No. 1.

UNABLE TO BUILD A HOUSE ON LOTS 54 AND 55 (VACANT LOT)
(1) DUE TO A MINIMUM LOT WIDTH OF 50 FT. INSTEAD OF THE MINIMUM REQUIRED 55 FT. OF LOTS (54 AND 55) AND (56 AND 57).
(2) DUE TO A MINIMUM SIDE YARD OF 4.5 FT. CREATED ON EXISTING DWELLING ON LOTS 56 AND 57, WHICH A MINIMUM 10 FT. IS REQUIRED

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I do solemnly declare and affirm under the penalties of perjury, that I, we, are the legal owner(s) of the property which is the subject of this petition.

Legal Owner(s):
Harry E. Warthen
(Type or Print Name)
Harry E. Warthen
Signature

Address
2923 Georgia Ave.
City and State
CURTIS WHETZEL
(Type or Print Name)
Curtis Whetzel
Signature

Attorney for Petitioner:
1304 HILTON TERRACE
(Type or Print Name) Address Phone No. 744-5962
CATONSVILLE, MD. 21228
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
1304 HILTON TERRACE
Address Phone No. 744-5962
CATONSVILLE, MD. 21228
City and State

Attorney's Telephone No.:
1304 HILTON TERRACE
Address Phone No. 744-5962
CATONSVILLE, MD. 21228
City and State

ORDERED By The Zoning Commissioner of Baltimore County, this 13 day of May, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 18 day of April, 1991, at 2 o'clock P.M.

By J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of Baltimore County

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 13 Date of Posting March 25, 1991
Posted for: Variance
Petitioner: Curtis Whetzel
Location of property: 56 Georgia Avenue, 100 W. of Washington Avenue
2923 Georgia Avenue
Location of Sign: In front of 2923 Georgia Avenue
Remarks: S. J. Haines
Posted by: S. J. Haines Signature Date of return: March 29, 1991
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 3-21-1991
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3-21-1991

THE JEFFERSONIAN,

S. Zeke Orlum
Publisher

\$57.16

CERTIFICATE OF PUBLICATION

3-26-1991
THIS IS TO CERTIFY, that the annexed advertisement was published in the ARBUTUS TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3-21-1991

ARBUTUS TIMES

S. Zeke Orlum
Publisher

\$57.16

NOTICE OF DECISION
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property located within the boundaries of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Case number: 91-329-A
S/S Georgia Avenue, 100 W. of Washington Avenue
2923 Georgia Avenue
13th Election District
1st Councilmanic District
Petitioner: Curtis Whetzel
Hearing Date: Tuesday, April 16, 1991 at 2:00 p.m.
Variance to allow a 4 ft. side yard setback and a buildable lot width of 50 ft. in lieu of the required minimum 10 ft. and 55 ft. respectively.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
APR 16 1991

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APR 16 1991

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
Account: R-001-6150
Number

FOR TO BE RECEIVED BY THE
ZONING COMMISSIONER
LAST NAME OF OWNER: WHETZEL

Please Make Checks Payable To: Baltimore County 12127MD02-01-91 \$35.00

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
Account: R-001-6150
Number

91-329

Please Make Checks Payable To: Baltimore County 12127MD04-18-91 \$82.16

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

March 1, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-329-A
5/5 Georgia Avenue, 1200' W of Washington Avenue
2923 Georgia Avenue
11th Election District - 1st Councilmanic
Petitioner(s): Curtis Whetzel
HEARING: THURSDAY, APRIL 18, 1991 at 2:00 p.m.

Variance to allow a 4 ft. side yard setback and a buildable lot width of 50 ft. (for lot numbers 56 and 57) in lieu of the required minimum 10 ft. and 55 ft., respectively.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Curtis Whetzel

[Handwritten signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

April 2, 1991

Mr. Curtis Whetzel
1304 Hilton Terrace
Catonsville, MD 21228

RE: Item No. 309, Case No. 91-329-A
Petitioner: Curtis Whetzel
Petition for Zoning Variance

Dear Mr. Whetzel:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
[Handwritten signature]
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this
13th day of February, 1991.

[Handwritten signature]
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

[Handwritten signature]
Chairman,
Zoning Plans Advisory Committee

Petitioner: Curtis Whetzel

Petitioner's Attorney:

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(301) 887-4500

FEBRUARY 6, 1991

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: CURTIS WHETZEL
Location: #2923 GEORGIA AVENUE
Item No.: 309 Zoning Agenda: FEBRUARY 12, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWERS: *[Handwritten signature]* Noted and Approved *[Handwritten signature]*
Planning Group Fire Prevention Bureau
Special Inspection Division

JE/KEK

received
2/6/91

BALTIMORE COUNTY, MARYLAND
INTER OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: February 8, 1991
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for February 12, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 291, 293, 303, 304, 306, 308 and 309.

For Item 295, the previous County Review Group Comments are still applicable. The Developer is cautioned that no permanent type construction is allowed over a County utility easement.

For Item 289, this site is subject to comments by the Maryland State Highway Administration.

For Item 298, the previous County Review Group comments are still applicable.

[Handwritten signature]
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

CASE NUMBER 91-329-A



2923
5/1

PETITIONER'S EXHIBIT #

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS: 2921 AND 2923 GEORGIA AVENUE
 SUBDIVISION: BALTIMORE HIGHLANDS
 PLAT BOOK: J.W.S. 2 FOLIO: 379 BLOCK: C LOTS: 54, 55, 56 AND 57
 OWNER: CURTIS WHETZEL
 2923 GEORGIA AVENUE
 LIB: 4045 FOLIO: 328

PETITIONER'S EXHIBIT 1

91-329-A

LOCATION INFORMATION
 COUNCILMANIC DISTRICT: 1ST
 ELECTION DISTRICT: 13TH
 1"=200' SCALE MAP#: SW 6A-B
 ZONING: DR 5.5
 LOT SIZE:
 LOTS 54 AND 55 0.1434 6250
 LOTS 56 AND 57 0.1434 6250
 PUBLIC PRIVATE
 SEWER: ☒ YES ☐ NO
 WATER: ☒ YES ☐ NO
 CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO
 PRIOR ZONING HEARING: NONE
 SCALE: 1"=50'
 ZONING OFFICE USE ONLY!
 REVIEWED BY: ITEM #: CASE #:
 [Signature] 309

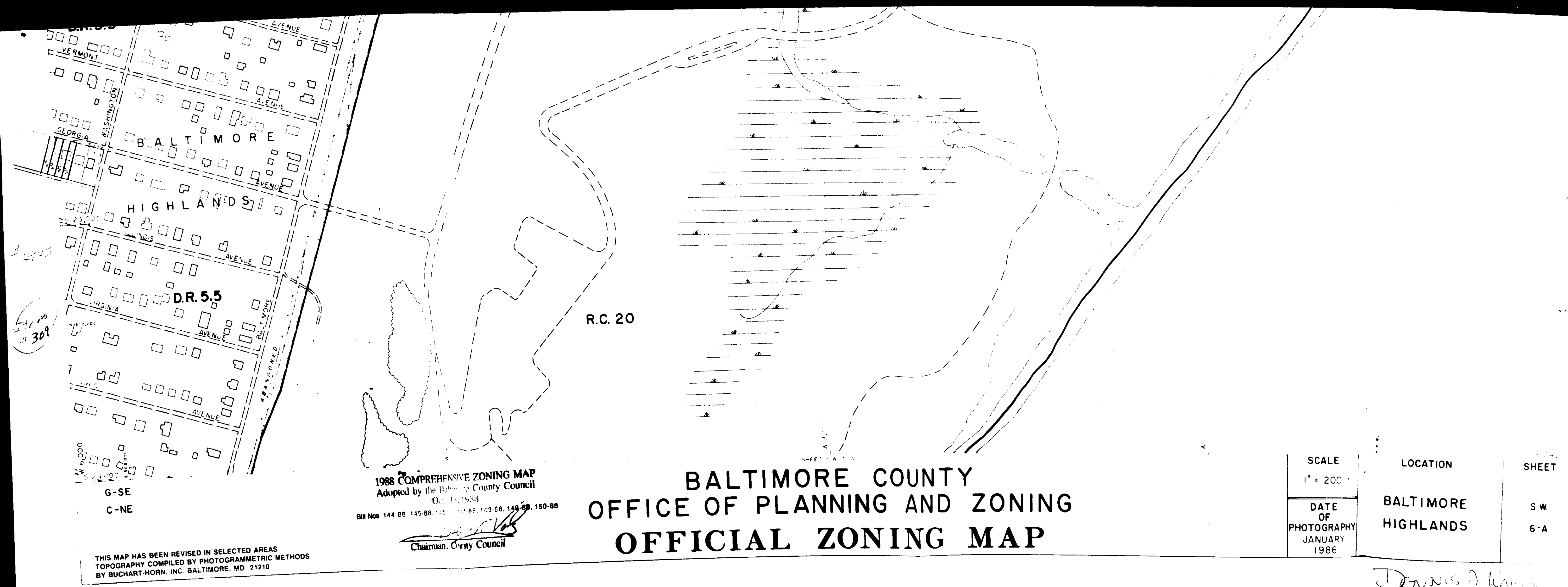
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 [Signature] 308



91-329-A

Dennis J. Wanner
 W.C. Dyer
 687-0116